REMARKS

In the Office Action mailed November 10, 2008 the Office noted that claims 1-16 were pending and rejected claims 1-5 and 10-16 and objected to claims 6-9. Claims 15 and 16 have been amended; claims 1-14 have been canceled; claim 17-31 are new; and, thus, in view of the foregoing claims 15-31 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 6-9 would be in a condition for allowance if re-written to include the features of the independent claims and any intervening claims. The Applicant thanks the Office for the consideration given the claims and submits that the claims are allowable for the reasons discussed below. The features of claims 6-9 are now found in claims 23-26.

REJECTIONS under 35 U.S.C. § 103

Claims 1-4 and 10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liam, WO 01/33503 in view of Bague, U.S. Patent No. 6,246,933. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Liam discusses detecting a traffic incident of a vehicle via a sequence of video images.

Bague discusses an on-board vehicle accident analysis system that records vehicle parameters and video images taken by cameras within the vehicle.

The invention as disclosed does apply a specific processing which deactivates the AID algorithms when it detects movement of the camera in azimuth or elevation or change in the field of view of said camera (by changing the focus or the zoom). This is done by checking the position of a number of selected points of the scene in the image plane of the camera: if these points remain still, it means that there is no change in orientation or focus of the camera and that the AID algorithms can be activated to provide suitable results. On the contrary, when these points move, this detects a change in orientation or focus or zoom of the camera and the AID aloithms must be deactivated, because the reference images cannot be relied upon.

Thus the difficulty is characterizing the "selected points" and differentiating them from the vehicles moving on the scene. However, the present invention determines this by reference to points substantially not on the portion of the route on which the objects are traveling. This mode of the selection is defined in the Specification since what is needed is to detect the stationarity of the scene as a whole relative to the optoelectronic target.

The Applicant has cancelled the current set of claims over a new set of claims. For example, claim 17 recites "[a]

method of detecting an incident on a portion of route situated in a scene when said portion of route is suitable for having objects travelling therealong, and when the method makes use of a video camera having a target constituting an optoelectronic converter of a real optical image of the scene, said target being controlled by a programmable processor member, the process for detecting incidents being suitable for being performed by activating said programmable processor member only while a real image of the scene focused on the target is stationary, said stationarity of the scene relative to the target being detected by verifying that at least one point selected on the current real image of said scene, substantially outside said portion of said route, was approximately at the same position on at least one of a set of immediate previous targets." Support for the amendment may be found, for example, in claim 1 as previously filed. Additionally see Fig. 1; ¶¶ 0030-0032; 0035-0037; and 0040 of the printed publication version of the Specification. Support for the dependent claims may be found in the dependent claims as originally filed and through out the Specification. The Applicants submits that no new matter is believed to have been added by claims 17-31.

However, the claims as presently recited focus not on the points on the path of the route, but those stationary objects 10, 11, 12 parallel or outside the route. This is in contrast to Liam, which discusses for instance, at col. 21, lines 14-15

states "[i]f vehicle is not present in the preceding and current frame, the window is in Idle state." It looks at what's inside the window not what is substantially outside the route. Likewise, the onboard system of Bague does not apply.

Therefore, for at least the reasons discussed above, Liam and Bague, taken separately or in combination, fail to render obvious the features of claim 17 and 31 and the claims dependent therefrom.

Claims 5 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liam in view of Bague further in view of Michalopoulos, U.S. Patent No. 4,847,772.

Michalopoulos discusses a traffic analysis system in which pixels selected and marked for further processing by an operator.

Michalopoulos adds nothing to the deficiencies of Liam and Bague as applied against claim 17 as discussed above. Therefore, Liam, Bague and Michalopoulos, taken separately or in combination, fail to render obvious the features of claims.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 15-31 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the

prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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